

[Counsel Listed on Signature Pages]

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

SHIRLEY ZELMAN, TRUSTEE F/B/O SHIRLEY  
ZELMAN LIVING TRUST, on behalf of plaintiff  
and all others similarly situated,

Plaintiff,

v.

JDS UNIPHASE CORPORATION, JOZEF  
STRAUS, KEVIN KALKHOVEN, ANTHONY R.  
MULLER and CHARLES ABBE,

Defendants.

Master File No.: C-02-4656 CW  
CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~  
ORDER CLARIFYING DEADLINE FOR  
MOTIONS TO COMPEL FACT  
DISCOVERY**

1 Defendants and Plaintiff Shirley Zelman, Trustee F/B/O Shirley Zelman Living Trust, on  
2 behalf of plaintiff and all others similarly situated, respectfully submit this Stipulation.

3 **WHEREAS**, on November 28, 2005, the Court issued an Order directing counsel to proceed  
4 with discovery on the same schedule as *In re: JDS Uniphase Corporation Securities Litigation*, No. C-  
5 02-1486;

6 **WHEREAS**, on May 18, 2006, the court in *In re: JDS Uniphase Corporation Securities*  
7 *Litigation* issued an Order (1) setting September 29, 2006 as the fact discovery cutoff date, except for  
8 depositions and other discovery arising from new information obtained at depositions, (2) setting  
9 December 1, 2006 as the cutoff date of the additional period to complete depositions and conduct any  
10 other discovery arising from new information obtained at the depositions, and (3) setting March 19,  
11 2007 as the expert discovery cutoff date;

12 **WHEREAS**, Civil Local Rule 26-2 provides: “[w]here the Court has set separate deadlines for  
13 fact and expert discovery, no motions to compel fact discovery may be filed more than 7 court days  
14 after the fact discovery cut-off;”

15 **WHEREAS**, Civil Local Rule 26-2 provides that “discovery cut-off,” as used in the Rule,  
16 means “the date by which all responses to written discovery are due and by which all depositions must  
17 be concluded;”

18 **WHEREAS**, the various discovery cutoff dates create ambiguity as to Defendants’ deadline for  
19 filing motions to compel further responses to written discovery;

20 **NOW THEREFORE**, the parties hereby stipulate and agree to the following:

- 21 1. Plaintiff shall submit supplemental responses to Defendant Kevin Kalkhoven’s First Set  
22 of Interrogatories to Plaintiff on or before November 22, 2006; and
- 23 2. Any motion to compel fact discovery must be filed by December 12, 2006.

24 IT IS SO STIPULATED AND AGREED.  
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2 DATED: October 10, 2006

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11 By /s/ HOWARD S. CARO

12 Howard S. Caro

13 Attorneys for Defendant  
14 KEVIN KALKHOVEN

15 DATED: October 10, 2006

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17 \* With Express Authorization

21 By /s/ PHILIP T. BESIROF\*

22 Philip T. Besirof

23 Attorneys for Defendants  
24 JDS UNIPHASE CORPORATION, JOZEF  
25 STRAUS, ANTHONY MULLER and CHARLES  
26 ABBE

1 DATED: October 10, 2006

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4 --and--

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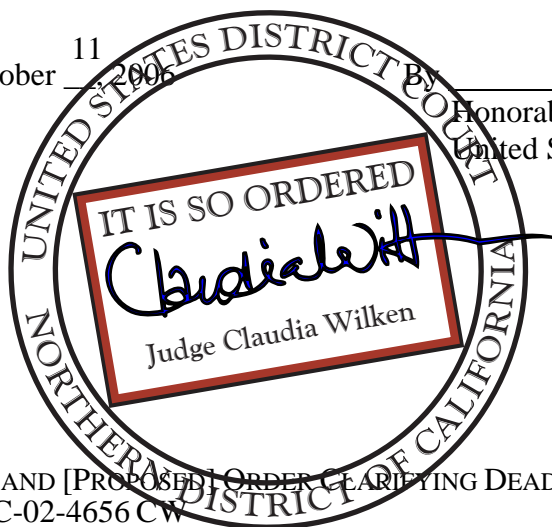
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13 By /s/ IRA M. PRESS\*  
14 Ira M. Press

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17 Attorneys for Plaintiffs  
18 SHIRLEY ZELMAN, TRUSTEE F/B/O  
19 SHIRLEY ZELMAN LIVING TRUST, on behalf  
20 of plaintiff and all others similarly situated

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22  
23 DATED: October 11, 2006



24 By Honorable ELIZABETH D. LAPORTE  
25 United States Magistrate Judge

1 I, Howard S. Caro, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Clarifying Deadline for Motions to Compel Fact Discovery. In  
3 Compliance with General Order 45, X.B., I hereby attest that Philip T. Besirof and Ira M. Press have  
4 concurred in this filing.

5  
6 DATED: October 10, 2006

HELLER EHRMAN LLP

7  
8 By /s/ HOWARD S. CARO  
Howard S. Caro

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10 Attorneys for Defendant  
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